

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Clear Creek Retirement Plan, LLC, a)
Washington limited liability corporation;)
Clear Creek Retirement Plan II, LLC, a)
Washington limited liability corporation,)

Plaintiffs,)

vs.)

David B. Cecie, a married man; Select)
Homes N.W., LLC, a Washington limited)
liability corporation;)

Defendants.)

ORDER RE BRIEFING SCHEDULE

Case No. 4:15-cv-011

Plaintiffs initiated the above-entitled action in state district court, asserting, inter alia, that Rusty Fields was their manager and sole member. On January 29, 2015, defendants removed this action to this court on the grounds that, on the face of the pleadings, there was complete diversity of citizenship between the parties and the amount in controversy was in excess of \$75,000. In their subsequent filings with the court, they averred that Defendant David B. Cecie co-owned each of plaintiffs with Rusty Fields.

On March 3, 2015, the court held a status conference with the parties to discuss their disagreement over who has an ownership interest in plaintiffs and, by extension, the propriety of the court's exercise of diversity jurisdiction over this matter and whether an evidentiary hearing may be required. Pursuant to its discussions with the parties, the court **ORDERS** the parties to simultaneously submit briefs by March 17, 2015, on the following issue: whether this court has diversity jurisdiction and whether it will need to convene an evidentiary hearing to resolve this matter. Thereafter, each party shall have three days to file a response to the other's brief.

Dated this 3rd day of March, 2015.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court